

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Matthews

February 8, 2005

~~An act to relating to counties, and making an appropriation therefor.~~
An act to add Section 15202.4 to the Government Code, relating to local government finance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, Matthews. Merced County: homicide trial costs.

Existing law authorizes counties to apply to the Controller for partial reimbursement of expenses incurred for homicide trials.

The Budget Act of 2004 provides for payment to counties for costs of homicide trials and specifies the procedure for a county to apply to the Controller for that reimbursement under certain criteria.

This bill would provide that, notwithstanding any other provision of law, funds appropriated by a specified item of the Budget Act of 2004 shall be available for reimbursement of 100% of the costs incurred by the County of Merced for the homicide investigation and prosecution of Cuittlahuac Taha Rivera. The bill would also provide that, notwithstanding any other provision of law, requests for reimbursement of the county's costs for homicide trials shall be reviewed by the Controller prior to payment and would specify standards for reimbursement by the Controller.

~~Existing law provides for state reimbursement of certain county costs incurred with respect to homicide trials.~~

~~This bill would require Merced County to be reimbursed for 100% of its costs incurred in a specified homicide case, with these moneys to be paid from a specified item in the Budget Act.~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Notwithstanding any other provision of law, the~~
2 ~~County of Merced shall be reimbursed for 100 percent of its costs~~
3 ~~incurred in the case of People v. Cuitlahuac Tahua Rivera,~~
4 ~~Superior Court No. _____. These moneys shall be paid from the~~
5 ~~funds appropriated in Item 8180-101-0001 of the Budget Act of~~
6 ~~2005.~~

7 ~~SECTION 1. In the 1960s, the state established a policy of~~
8 ~~reimbursing rural local governments for costs of major homicide~~
9 ~~investigations and trials. These reimbursements have been made~~
10 ~~either through special legislation or in the annual Budget Act.~~

11 ~~Investigation and court costs of several counties, for other~~
12 ~~recent major homicide trials including, but not limited to, those~~
13 ~~of Richard Allen Davis, Cary Stayner, and Charles Ng, have~~
14 ~~been reimbursed by the state at a rate of 100 percent.~~

15 ~~In keeping with the longstanding tradition and practice, the~~
16 ~~state shall reimburse the County of Merced for all investigative~~
17 ~~and prosecution costs of People v. Cuitlahuac Tahua Rivera that~~
18 ~~are deemed reasonable and appropriate by the Controller~~
19 ~~pursuant to Section 15202.4 of the Government Code.~~

20 ~~SEC. 2. Section 15202.4 is added to the Government Code, to~~
21 ~~read:~~

22 ~~15202.4. (a) Notwithstanding any other provision of law,~~
23 ~~requests for reimbursement of the County of Merced's costs for~~
24 ~~homicide trials shall be reviewed by the Controller prior to~~
25 ~~payment.~~

26 ~~(b) The Controller shall not reimburse the County of Merced~~
27 ~~for costs incurred pursuant to Section 15202 that exceed the~~
28 ~~California Victim Compensation and Government Claims~~
29 ~~Board's standards for travel and per diem expenses. The~~
30 ~~Controller may reimburse extraordinary costs in unusual cases if~~
31 ~~the County of Merced provides sufficient justification of the need~~
32 ~~for these expenditures. Nothing in this section shall permit the~~

1 reimbursement of costs for travel in excess of 1,000 miles on any
2 single round trip, without the prior approval of the Attorney
3 General.

4 (c) The Controller shall reimburse the County of Merced for
5 reasonable and necessary expenses incurred pursuant to Section
6 15202, except that reimbursements to the County of Merced shall
7 not exceed the following:

8 (1) For attorney services, an hourly rate equal to that county's
9 average hourly cost for public defenders, the hourly rate paid to
10 appointed counsel, or the hourly rate charged state agencies by
11 the Attorney General for attorney services, whichever rate is less.

12 (2) For investigators, an hourly rate equal to that county's
13 average hourly cost for county-employed investigators or the
14 hourly rate charged state agencies by the Attorney General for
15 investigators, whichever rate is less.

16 (3) For expert witnesses, the hourly rate that the county
17 generally pays for these services.

18 SEC. 3. Notwithstanding any other provision of law, funds
19 appropriated by Item 8180-101-0001 of Section 2.00 of the
20 Budget Act of 2004 shall be available for reimbursement of 100
21 percent of the costs incurred by the County of Merced for the
22 homicide investigation and prosecution of Cuiclahuac Taha
23 Rivera.